

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 17, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance changing the boundaries of the Town of Medley, Florida, and amending the town's municipal charter to provide for the annexation of certain lands pursuant to section 6.04(b) of the Home Rule Charter and chapter 20 of the Code; relating to the area referred to as the Medley section 9, section, 14, section 15, and section 31 Annexation Area, with approximate outer boundaries for section 9 on the north by NW 90 street, on the south by NW 74 Street, on the east by NW 87 Avenue, and on the west by NW 97 Avenue; for section 14 on the north by NW 74 Street, on the south by State Road 934, on the east by NW 72 Avenue, and on the west by State Road 826 Extension; for section 15 on the north by NW 74 Street, on the south by NW 64 Street, on the east by State Road 826 Extension, and on the west by NW 87 Avenue; and for section 31 on the north by NW 122 Street, on the south by NW 106 Street, on the east by the Florida Turnpike, and on the west by NW 107 Avenue; providing for reservation to the County of utility tax revenues; providing for County retention of residential garbage and refuse collection and disposal unless certain circumstances occur; requiring payment of certain outstanding debt service attributable to the annexation area; requiring mitigation; waiving the provisions of Resolution No. R-623-22 and section 20-28 of the Code to the extent that they would require the town to pay mitigation to the County for a longer period of time than required herein; providing for County retention of jurisdiction over certain declarations of restrictive covenants and areas and facilities of Countywide significance; providing for contingent effective date; providing for interdependency, inclusion in the code, and an effective date

Ordinance No. 23-3

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Date: January 17, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Changing the Boundaries of the Town of Medley and Waiving the Provisions Requiring Mitigation Payment to the County

The proposed ordinance would amend the boundaries of the Town of Medley (Town), to include approximately 1,561.58 acres of the unincorporated municipal services area (UMSA). Sections 14 and 31 of the annexation area are within the Commercial, Business or Industrial Area (CBI).

Background

The conceptual basis for mitigation is to lessen the financial impact of annexations or incorporations on the UMSA budget. It is important to bear in mind that, despite recent annexations and incorporations, over 1.2 million people still live in the unincorporated area of the County out of the total 2.7 million residents. Annexations and incorporations are approved locally by the Board per our constitutional home rule charter, whereas the Florida Legislature approves annexation and incorporations in other counties.

The County went through a number of decades with no new annexations or incorporations. Then in 1991, Key Biscayne incorporated followed by Aventura, Sunny Isles Beach and Pinecrest during the 1990s; all wealthy donor areas within UMSA. It became apparent that wealthy areas of UMSA were incorporating and these revenues were no longer available to provide UMSA services. The concern was that if the annexations and incorporations continued among wealthy areas, UMSA would be ultimately left with areas that would require an increase to the millage rate in order to continue to provide UMSA the same level of service.

To address this concern, the Board adopted several policies to safeguard UMSA, where a municipality or proposed municipality would mitigate some of the negative impact to UMSA for that particular area if they chose to annex or incorporate the area. Miami Lakes, Palmetto Bay, Doral were all donor areas and as such all agreed to incorporate and configured their cities with the understanding that mitigation payments would be part of the incorporation. Miami Gardens and Cutler Bay were revenue neutral and therefore made no mitigation payments. Additionally, several annexations were also required to mitigate their respective impact on UMSA. The agreements negotiated as part of these incorporations required mitigation payments in perpetuity. In 2008 the Board allowed the municipalities of Miami Lakes, Doral and Palmetto Bay to phase out the payments after seven years. Additionally, the Board also phased out mitigation payments for annexations in the same format.

Since 2000 the Board has approved 5 incorporations and 20 annexations. Three of the incorporations and five of the annexations required mitigation payments. Below is a breakdown of these annexations and incorporations.

2000 – Miami Lakes incorporated on December 5th; agreeing to contribute the equivalent of one mill of property tax revenues (\$1.45 million for FY 2000-01). The agreement included a clause known as the Most Favored Nations, which provided that should a donor area incorporated under terms more beneficial than those of Miami Lakes, those terms would then be applicable to Miami Lakes as well.

2002 – Palmetto Bay incorporated on September 10th; agreeing to contribute the equivalent of one mill of municipal property tax revenues (\$1.578 million for FY 2002-03)

2003 – Doral incorporated on June 24th. Since the incorporation included a Commercial, Business, Industrial Area (CBI), the Board established a commercial and a residential mitigation; the equivalent of 1.5 mills each of the total taxable value of each of the areas.

Doral initial residential mitigation payment - \$2.9 million

Doral initial CBI mitigation payment \$4.4 million

Thereafter, the required mitigation amount was adjusted by the CPI for the residential area, not to exceed 3% over the previous year and by the tax roll growth for the CBI area multiplied by 1.5 mills.

2006 – Bills were introduced in the Florida Senate and House during the annual session seeking to prohibit a County from using its authority to require payment by certain municipalities as a condition of incorporation. The bills sought to be effective on any municipality formed after January 1, 2000. Both bills were withdrawn by their respective sponsors.

On March 21st, 2006 the Board created the Mitigation Adjustment Policy Review Task Force (R-342-06) to conduct a study and submit recommendations for the adjustment of mitigation payments by Miami Lakes, Palmetto Bay and Doral. The report and recommendations were presented to the Board on July 11th at the Infrastructure and Land Use Committee.

2007 – Florida Legislature passed Chapter 2007-26 providing that “any municipality formed after January 1, 2000, and any municipality formed after July 1, 2007, shall not be required to pay any charge, assessment, tax, fee or other consideration as a condition for allowing the citizens of an area to incorporate and govern themselves.”

On April 30th, 2007 the Board adopts resolution no. R-508-07 expressing intent to phase out mitigation for Miami Lakes, Palmetto Bay and Doral.

On July 27th Miami Lakes, Palmetto Bay and Doral filed a lawsuit against Miami Dade County seeking declaratory relief to determine the validity of Chapter 2007-26 of the Laws of Florida.

Miami-Dade County counter-claimed seeking a declaration that the law is unconstitutional on its face because it intrudes upon the County’s exclusive constitutional authority to establish methods to create municipalities and amend municipal charters with the County.

2008 – On June 4th, the 11th Judicial Circuit Court Final Summary Judgement granted the County’s request to declare Florida section 165.0225 unconstitutional as it violates the County’s Home Rule Charter (Case No. 07-23662 CA 20).

On October 7th, 2008 the Board adopted resolution no. R-1067-08, directing the County Mayor to explore resolutions of mitigation payment disagreements with Miami Lakes, Palmetto Bay and Doral

On November 20th, the Board adopted resolutions nos. R-1268-08 and R-1269-08 approving an amendment to the municipal charters of Doral and Palmetto Bay eliminating mitigation payments under certain conditions, which called for a phasing out of such payments beginning in fiscal year 2010-11.

2011 – The Board adopted Ordinance No. 11-19 relating to annexation deleting requirement for mitigation payments from Florida City, Medley, North Miami and Hialeah Gardens. The

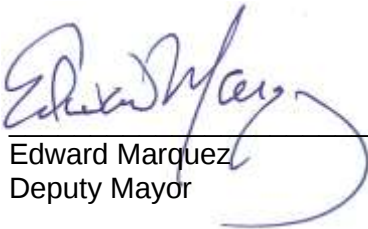
Ordinance allowed mitigation payments to be phased out consistent with the phase-out timetable of previously approved incorporations and annexations. No more than seven payments were made by each municipality into the Municipal Services Trust Fund.

Fiscal Impact

The 2021 preliminary roll taxable value for Sections 9, 14, 15, and 31 was \$926,360,291. Those areas generated approximately \$2,053,809 in revenue to UMSA. Miami Dade County spent an estimated \$1,536,543 in the area for services. Therefore, the net revenue loss to the UMSA budget is an estimated \$517,266 if this annexation is approved. Additionally, the County will continue to receive utility tax revenues from the area estimated at \$571,349. It is important to note that the per capita taxable value of Medley is \$2,848,141 which is above the average for the County at \$119,758.

The 2022 combined preliminary roll taxable value for sections 9, 14, 15 and 31 is \$1,065,909,661 which is an increase of \$139,549,370, 15 percent from the 2021 preliminary roll. Although the Town has reduced its millage rate by 1.8 percent from 3.9 mills to 3.2 mills. UMSA has also reduced its millage rate by 1 percent to 1.909 from 1.9283. Additionally, if the Town's millage rate of 3.2 mills is applied to property folios in the sections the average property owner would pay an additional \$1,913 in Section 9, \$710 in Section 14, \$1,678 in Section 15, and \$15,730 in Section 31.

Should this ordinance be approved without requiring mitigation, this would create a negative fiscal impact to UMSA. **I strongly recommend that the ordinance and interlocal agreement be amended to include mitigation payments for seven years.**



Edward Marquez
Deputy Mayor

Memorandum



Date: January 17, 2023

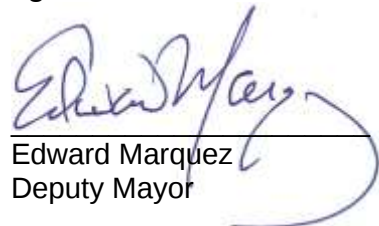
To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Changing the Boundaries of the Town of Medley

The proposed Ordinance amends the municipal boundaries of the Town of Medley to annex 1,561.58 acres of land from the unincorporated municipal services area (UMSA). If implemented, the annexation areas will become part of the Town boundaries without an election as the area has under 250 residents since it is entirely commercial and industrial. These business owners that are affected by the annexation do not have the ability to vote and their only participation in the process is to attend any public hearings. If the annexation is approved, there may be a social benefit to the businesses from having government closer and more accessible with services such as local police patrol and public works.

Although the Town of Medley has reduced its millage rate to 3.2 mills, the average property owner will pay additional estimated property taxes of \$1,913 in Section 9, \$710 in Section 14, \$1,678 for Section 15 and \$15,730 for Section 31; additional expenses which could be passed on to the consumer. These increased costs may create a social burden on these business owners and their clients. **I strongly recommend that the ordinance and interlocal agreement be amended to include mitigation payments for seven years.**


Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 17, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
1-17-23

ORDINANCE NO. **O-23-3**

ORDINANCE CHANGING THE BOUNDARIES OF THE TOWN OF MEDLEY, FLORIDA, AND AMENDING THE TOWN'S MUNICIPAL CHARTER TO PROVIDE FOR THE ANNEXATION OF CERTAIN LANDS PURSUANT TO SECTION 6.04(B) OF THE HOME RULE CHARTER AND CHAPTER 20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; RELATING TO THE AREA REFERRED TO AS THE MEDLEY SECTION 9, SECTION, 14, SECTION 15, AND SECTION 31 ANNEXATION AREA, WITH APPROXIMATE OUTER BOUNDARIES FOR SECTION 9 ON THE NORTH BY NW 90 STREET, ON THE SOUTH BY NW 74 STREET, ON THE EAST BY NW 87 AVENUE, AND ON THE WEST BY NW 97 AVENUE; FOR SECTION 14 ON THE NORTH BY NW 74 STREET, ON THE SOUTH BY STATE ROAD 934, ON THE EAST BY NW 72 AVENUE, AND ON THE WEST BY STATE ROAD 826 EXTENSION; FOR SECTION 15 ON THE NORTH BY NW 74 STREET, ON THE SOUTH BY NW 64 STREET, ON THE EAST BY STATE ROAD 826 EXTENSION, AND ON THE WEST BY NW 87 AVENUE; AND FOR SECTION 31 ON THE NORTH BY NW 122 STREET, ON THE SOUTH BY NW 106 STREET, ON THE EAST BY THE FLORIDA TURNPIKE, AND ON THE WEST BY NW 107 AVENUE; PROVIDING FOR RESERVATION TO THE COUNTY OF UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL GARBAGE AND REFUSE COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF CERTAIN OUTSTANDING DEBT SERVICE ATTRIBUTABLE TO THE ANNEXATION AREA; REQUIRING MITIGATION; WAIVING THE PROVISIONS OF RESOLUTION NO. R-623-22 AND SECTION 20-28 OF THE CODE TO THE EXTENT THAT THEY WOULD REQUIRE THE TOWN TO PAY MITIGATION TO THE COUNTY FOR A LONGER PERIOD OF TIME THAN REQUIRED HEREIN; PROVIDING FOR COUNTY RETENTION OF JURISDICTION OVER CERTAIN DECLARATIONS OF RESTRICTIVE COVENANTS AND AREAS AND FACILITIES OF COUNTYWIDE SIGNIFICANCE; PROVIDING FOR CONTINGENT EFFECTIVE DATE; PROVIDING FOR INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 6.04(B) of the Miami-Dade County Home Rule Charter and chapter 20 of the Code of Miami-Dade County (“Code”) authorize the Board of County Commissioners (“Board”) to approve changes to municipal boundaries; and

WHEREAS, on March 3, 2017, the Town of Medley (“Town”) submitted an application for the annexation of the unincorporated area referred to in the Town’s application as the Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area, contiguous to the Town; and

WHEREAS, on July 7, 2022, the Board adopted County Resolution No. R-623-22 directing the County Attorney to prepare the appropriate ordinance and interlocal agreement to effectuate the annexation request; and

WHEREAS, the County Mayor recommended that the Town of Medley be required to pay mitigation to the County for a period of seven years in connection with this annexation, and this recommendation was incorporated into County Resolution No. R-623-22; and

WHEREAS, this ordinance requires the Town of Medley to pay mitigation to the County for a period of four years; and

WHEREAS, this ordinance waives County Resolution No. R-623-22 and section 20-28 of the County Code to the extent that they would require the Town of Medley to pay mitigation to the County for a longer period of time than as provided herein; and

WHEREAS, the Town’s application for the Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area complies with the County’s procedures, requirements, and Code provisions related to municipal boundary changes, including, but not limited to, the provisions in section 20-3.1 of the Code related to contiguity, the Urban Development Boundary, and providing information about enclaves; and

WHEREAS, the annexation of the Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area by the Town would not create an enclave because, among other things, the remaining unincorporated areas are all of a size that could be serviced efficiently and effectively; and

WHEREAS, the County does not have any other pending applications for the annexation of the Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area, or any portion thereof; and

WHEREAS, in addition, no municipality that could present such an annexation application for consideration by this Board in accordance with section 20-3.1 has indicated any intent or interest in the annexation of the Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area or any portion thereof; and

WHEREAS, this Board wishes to change the boundaries of the Town pursuant to its annexation request, which provides for the reservation to the County of certain revenues, rights, and responsibilities, as set forth herein,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated into this ordinance and are approved.

Section 2. The municipal boundaries of the Town of Medley (“Town”) are hereby changed, extended and enlarged, and the Town’s charter is hereby amended by the annexation to the Town of the following property (the “annexation area”):

Annexation by the Town of Medley

Medley Section 9, Section 14, Section 15, and Section 31 Annexation Area

Legal Description

All of Section 31, Township 52 South Range 40 East, as situated within Miami-Dade County, Florida.
Containing approximately 639 acres more or less.

TOGETHER WITH:

All of Section 9, Township 53 South, Range 40 East, of Miami-Dade County, Florida, LESS the North 230.80 feet thereof, and LESS Tracts 46, 47, and 57 all of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, (said North 230.80 feet, along with Tracts 46, 47 and 57 being already within the municipal boundary of the Town of Medley).
Containing approximately 583 acres more or less.

TOGETHER WITH:

A portion of Sections 11, and 14, Township 53 South, Range 40 East, of Miami-Dade County, Florida, being more particularly described as follows:

A parcel of land being a portion of Tracts 63, 64, 65, and 66, AMENDED PLAT OF SECTION 14, TOWNSHIP 53 SOUTH, RANGE 40 EAST, according to the plat thereof as recorded in Plat Book 8, Page 16, of the Public Records of Miami-Dade County, Florida and all of Tract "A", ANIMAL GENERAL HOSPITAL, according to the plat thereof as recorded in Plat Book 95, Page 15, of the Public Records of Miami-Dade County, Florida; said parcel being bounded on the North by the North right of way line of N.W. 74th Street, as shown on Florida Department of Transportation Right-of-Way Map for State Road 934 (Hialeah Expressway) Section 87080-2515; bounded on the East by the centerline of right-of-way of N.W. 72nd Avenue; bounded on the South by the North Limited Access Right-of-Way line of State Road 934 (Hialeah Expressway), as shown on said Right-of-Way Map for State Road 934; and bounded on the West by the point of intersection of the North Limited Access Right-of-Way line of State Road 934 (Hialeah Expressway) and the Westerly extension of the North Right-of-Way line of N.W. 74th Street.
Containing approximately 6.88 acres more or less.

TOGETHER WITH:

A parcel of land being a portion of Section 15, Township 53 South, Range 40 East, of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the NW corner of said Section 15, also being a point of intersection of the centerline of NW 87th Avenue and the centerline of NW 74th Street; thence Easterly along the North line of said Section 15, and the centerline of NW 74th Street to the point of intersection with the centerline of NW 84th Avenue; thence Southerly along the said centerline of NW 84th Avenue to the point of

intersection with the westerly extension of the centerline of NW 71th Street; thence Easterly along the said westerly extension of the centerline of NW 71th Street to the point of intersection with the centerline of NW 82nd Avenue; thence Northerly along the said centerline of NW 82nd Avenue and its northerly projection thereof to the point of intersection with the easterly extension of the centerline of NW 72nd Street; thence Easterly along the said easterly extension of the centerline of NW 72nd Street to the point of intersection with the Northerly extension of the centerline of NW 79th Avenue; thence Northerly along the said Northerly extension of the centerline of NW 79th Avenue to the point of intersection with the Westerly extension of the centerline NW 73rd Street; thence Easterly along the Westerly extension of the centerline of NW 73rd Street to the point of intersection with the West Limited Access right-of-way line of Palmetto Expressway (State Road 826) as depicted on Right-of-Way Monumentation Map for State Road 826 Section 87260-2518, recorded in Road Plat Book 152, at Page 67 of the Public Records of Miami-Dade County, Florida; thence Southerly along the said Westerly Limited Access right-of-way line of State Road 826 to the point of intersection with the centerline of NW 64th Street; thence Westerly along the said centerline of NW 64th Street, and the municipal boundary of the City of Doral, to the point of intersection with the West line of said Section 15, also being the centerline of NW 87th Avenue; thence Northerly along the said centerline of NW 87th Avenue, and the municipal boundary of the City of Doral, to the POINT OF BEGINNING.

Containing approximately 332.70 acres more or less.

Said lands situated within Miami-Dade County, Florida and containing a total of 1,561.58 acres more or less.

The annexation of this annexation area was requested by the Town in Town Resolution No. C-1459 and Town Resolution No. C-1738, adopted by the Town, which resolutions are attached hereto as Exhibit A for informational purposes only. A map depicting the annexation area, as set forth in this ordinance, is attached hereto as Exhibit B and made a part hereof by reference. In the event of any inconsistency between the boundaries of the annexation area as described by the legal description and the map identified as Exhibit B, the boundaries of the annexation area as described by the legal description in this ordinance shall prevail.

Section 3. Pursuant to section 20-8.2 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and receive all utility tax revenues accruing within the annexation area in the same manner as though the annexation area remained a part of the unincorporated area of the County.

Section 4. Pursuant to section 20-8.4 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexation area in the same manner as though such annexation area remained part of the unincorporated area of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a 20-year interlocal agreement which provides for collection services and a 20-year interlocal agreement that provides for disposal services in substantially the form approved by County Resolution No. R-1198-95.

Section 5. Pursuant to section 20-8.8 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the Board shall retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for the modification or deletion by a successor governmental body.

Section 6. Pursuant to section 20-8.6 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall retain regulatory jurisdiction over Areas and Facilities of Countywide Significance as designated by the Board, including the following: (1) the areas shown as Areas or Facilities of Countywide Significance on the map attached as Exhibit C, which is attached hereto and made a part hereof by reference; (2) the Miami-Dade County Water and Sewer Department (“WASD”) facilities located at 7300 NW 74th Street, currently identified as Folio No. 30-3014-010-0520; (3) and the WASD facilities located at 7301 NW 70th Street, currently identified as Folio No. 30-3014-010-0510.

Section 7. Pursuant to section 20-8.5 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the Town shall pay to the County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$86,757.86 per year through the end of calendar year 2029.

Section 8. The Town shall execute a duly authorized Interlocal Agreement acceptable to the County wherein it agrees, among other things, to the requirements referenced in sections 3, 4, 5, 6, 7, and 10 herein. The Town has represented that it will enter into said Interlocal Agreement with the County, substantially in the form included in County Resolution No. **R-35-23**, (the "Interlocal Agreement"), with the additional provisions required by section 10 of this ordinance and by section 2 of said resolution. In exercising the County's discretion to approve this annexation, the County has relied upon all of the representations in the Interlocal Agreement, including, but not limited to, those representations related to the above-mentioned requirements.

Section 9. This ordinance hereby waives County Resolution No. R-623-22 to the extent it would require the Town of Medley to pay mitigation to the County in connection with this annexation for a longer period of time than required in section 10 below.

Section 10. Pursuant to section 20-28 and section 20-8.7 of the Code, this ordinance shall be effective only upon the condition and with the reservation that the Town shall make annual mitigation payments for four years to the County's Municipal Services Trust Fund, as provided in the Interlocal Agreement referenced in this ordinance. Such mitigation payments shall consist of four annual payments to the County of \$517,243.00, adjusted for inflation as provided in the Interlocal Agreement. To the extent that section 20-28 of the Code would require mitigation payments by an annexing municipality for a period longer than four years, such provisions of section 20-28 are hereby waived.

Section 11. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code in Appendix B – Ordinances Changing Municipal Boundaries. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 12. The provisions of this ordinance are interdependent upon one another, and the entire ordinance shall be deemed invalid if any of its provisions are declared invalid or unconstitutional. If any of the sections of this ordinance are found or adjudged to be illegal, void or of no effect, the entire ordinance shall be null and void and of no force or effect.

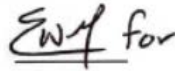
Section 13. This ordinance shall be effective only upon the condition and with the reservation that the Town and the County execute the Interlocal Agreement, substantially in the form included in County Resolution No. **R-35-23**, with the additional provisions required by section 10 of this ordinance and by section 2 of said resolution, and that such Interlocal Agreement remain in effect.

Section 14. This ordinance shall become effective upon the later of: (a) ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; and (b) upon the execution of the Town and the County of the Interlocal Agreement, substantially in the form included in County Resolution No. **R-35-23**, with the additional provisions required by section 10 of this ordinance and by section 2 of said resolution. If the requirements of this section have not been met within 180 days after January 17, 2023, this ordinance shall not go into effect and shall be deemed void.

PASSED AND ADOPTED:

January 17, 2023

Approved by County Attorney as
to form and legal sufficiency:

Handwritten signature of E. W. for

Prepared by:

Handwritten signature of Abbie Schwaderer-Raurell

Abbie Schwaderer-Raurell
James Eddie Kirtley
Monica Rizo Perez

Prime Sponsor: Commissioner Juan Carlos Bermudez

Exhibit A to Ordinance

RESOLUTION C-1738

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA, AMENDING ITS CONTINUED AND REVISED ANNEXATION APPLICATION IN ORDER TO MATCH THE ANNEXATION BOUNDARIES OF THE CITY OF DORAL BY CHANGING THE BOUNDARY OF THE TOWN'S ANNEXATION AREA WITHIN SECTION 15, TOWNSHIP 53 SOUTH, RANGE 40 EAST, TO REFLECT THE LEGAL DESCRIPTION CONTAINED IN EXHIBIT "A" AND DEPICTED IN THE MAP ATTACHED AS EXHIBIT "B"; REQUESTING APPROVAL OF THE AMENDED ANNEXATION APPLICATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE TOWN MAYOR, TOWN ADMINISTRATION AND TOWN ATTORNEY TO TAKE ANY AND ALL ACTION NECESSARY TO SUBMIT AND PROCESS THE AMENDED ANNEXATION APPLICATION FOR THE PROPOSED BOUNDARY CHANGES; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Medley, Florida, (the "Town") adopted Resolution C-1459 on February 6, 2017 authorizing the transmittal of its Continued and Revised Annexation Application (the "Annexation Application") to Miami-Dade County (the "County") pursuant to Section 6.04 of the Miami-Dade County Home Rule Charter and Section 20-3 of the Code of Miami-Dade County seeking the annexation of various unincorporated areas of the County; and

WHEREAS, the Annexation Application included certain areas within Section 15, Township 53 South, Range 40 East, in Miami-Dade County ("Section 15"); and

WHEREAS, the City of Doral has filed an amendment to its annexation application for Section 15 which conflicts with the boundaries for Section 15 in the Town's pending Annexation Application, and

Exhibit A to Ordinance

WHEREAS, the Town and the City of Doral have agreed to cooperate and have since reached a mutual agreement as to the proposed annexation boundaries within Section 15, at NW 64th Street, as reflected in the area and legal description attached hereto as Exhibit "A", and depicted on the Map attached hereto as Exhibit "B"; and

WHEREAS, the Town wishes to expeditiously move forward with the amendment to the Section 15 annexation boundaries for the Annexation Application and submit same to the County; and

WHEREAS, public and mailed notices were provided in accordance with applicable law, and on November 4, 2019, the Town Council conducted a duly noticed public hearing and considered the amendment to the boundary of the annexation area in Section 15, and desires to move forward with the submittal of an amended Annexation Application to the County for Section 15; and

WHEREAS, the Town Council finds that the proposed annexation areas and boundaries legally described in Exhibit "A" and depicted on the Map attached hereto as Exhibit "B" for Section 15 and the submittal of the amendment to the Annexation Application to the County are in the best interest of the Town, its residents and existing and proposed property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The above Recitals are true and correct and incorporated herein.

Section 2. **Approval of Amended Annexation Boundary for Section 15, Township 53 South, Range 40 East.** The Town Council hereby approves an amendment to the Annexation Application to change the boundary of the annexation area in Section 15, Township 53 South, Range 40 East, to reflect the area as legally described in Exhibit "A" attached and depicted in the Map attached as Exhibit "B.

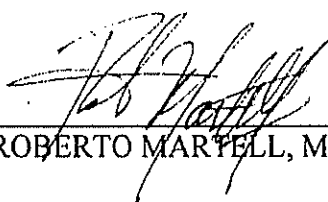
Exhibit A to Ordinance

Section 3. Authorization. The Mayor, Town Administration and Town Attorney are hereby authorized and directed to take any and all actions as may be deemed necessary or desirable to amend the Annexation Application to change the boundary of the annexation area within Section 15, Township 53 South, Range 40 East, as legally described in Exhibit "A" attached hereto and depicted in the Map attached hereto as Exhibit "B", and to submit the amended Annexation Application and all supporting documentation and information to the County in accordance with its amendment procedures for boundary change to annexation applications.

Section 4. Transmittal. The Clerk is hereby authorized and directed to transmit three (3) certified copies of this Resolution, together with proof of compliance with the notice procedures and all accompanying documentation as set forth in Section 20-3 of the County Code, to Miami-Dade County,

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 4th day of November, 2019.


ROBERTO MARTELL, MAYOR

ATTEST:


VICTORIA MARTINEZ, FRP, CMC, TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.,
TOWN ATTORNEY

Exhibit A to Ordinance

SUMMARY OF THE VOTE

Mayor Roberto Martell	<u>Yes</u>
Vice-Mayor Edgar Ayala	<u>Yes</u>
Councilperson Ivan Pacheco	<u>Yes</u>
Councilperson Griselia DiGiacomo	<u>Yes</u>
Councilperson Lily Stefano	<u>Yes</u>

Exhibit A to Ordinance

EXHIBIT "A"

LEGAL DESCRIPTION OF AMENDED SECTION 15, TOWNSHIP 53 SOUTH, RANGE 40 EAST, PROPOSED ANNEXATION AREA

A parcel of land being a portion of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUITLANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the intersection of the West right-of-way line of NW 87th Avenue and the centerline of NW 74th Street; THENCE Easterly along the centerline of NW 74th Street to the point of intersection with the centerline of NW 84th Avenue; THENCE Southerly along the said centerline of NW 84th Avenue to the point of intersection with the Westerly extension of the centerline of NW 71st Street; THENCE Easterly along the said westerly extension of the centerline of NW 71st Street to the point of intersection with the centerline of NW 82nd Avenue; THENCE Northerly along the said centerline of NW 82nd Avenue and its northerly projection thereof to the point of intersection with the easterly extension of the centerline of NW 72nd Street; THENCE Easterly along with the said easterly extension of the centerline of NW 72nd Street to the point of intersection with the Northerly extension of the centerline of NW 79th Avenue; THENCE Northerly along the said Northerly extension of the centerline of NW 79th Avenue to the point of intersection with the Westerly extension of the centerline of NW 73rd Street; THENCE Easterly along the Westerly extension of the Centerline of NW 73rd Street to the point of intersection with the West right-of-way line of State Road 826 (Palmetto Expressway) to the point of intersection with the centerline of NW 64th Street; THENCE Westerly along the said centerline of NW 64th Street to the point of intersection with the West right-of-way line of NW 87th Avenue; THENCE Northerly along the said West right-of-way line of NW 87th Avenue to the POINT OF BEGINNING,

Said lands situated within Miami-Dade County, Florida and containing a total of 330.10

acres more or less.

Exhibit A to Ordinance

EXHIBIT "B"

MAP OF PROPOSED ANNEXATION AREAS

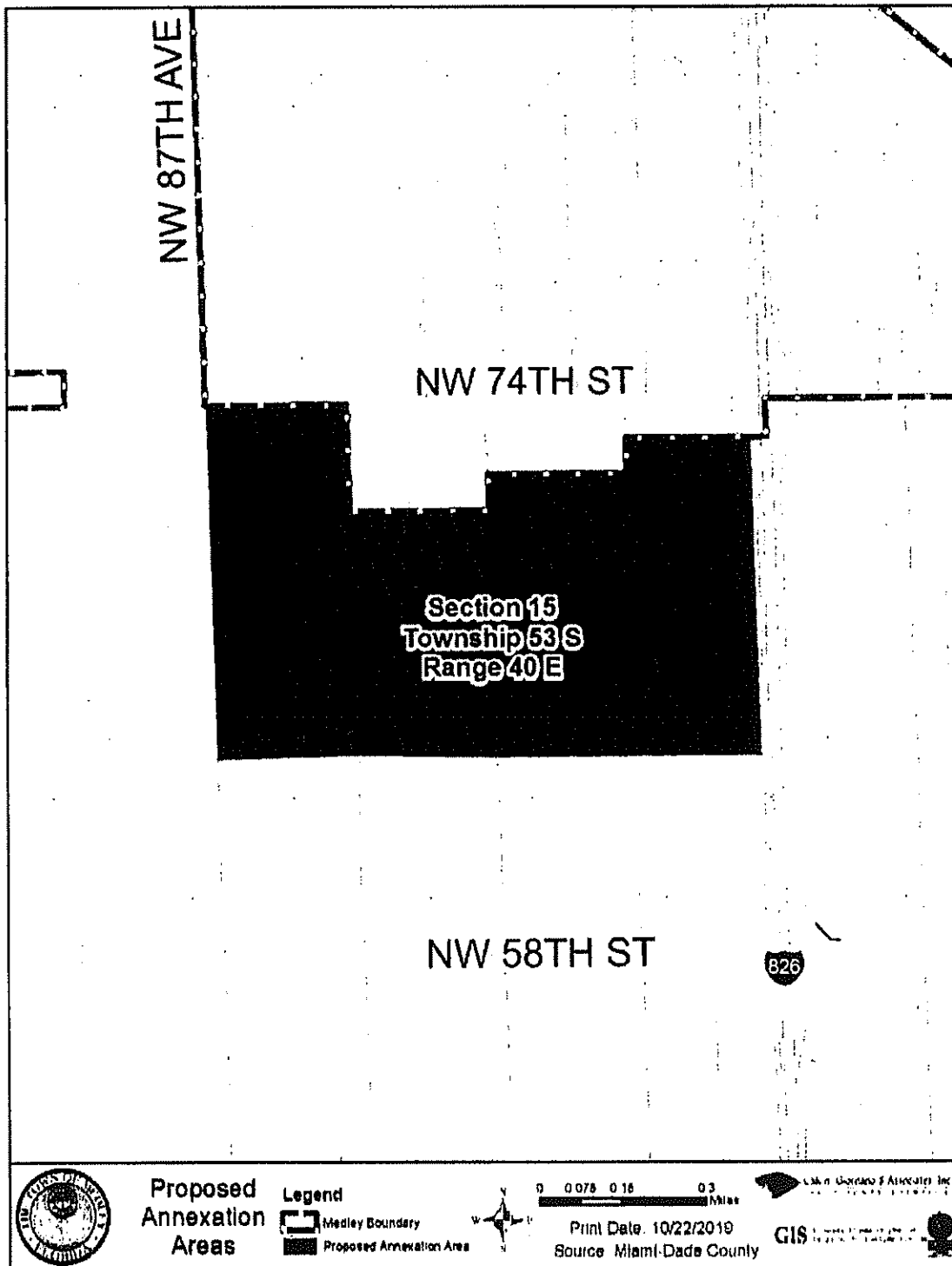


Exhibit A to Ordinance

RESOLUTION C-1459

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA, APPROVING AND CONFIRMING ITS INTENT TO MOVE FORWARD WITH ITS CONTINUED AND REVISED ANNEXATION APPLICATION IN ORDER TO ANNEX PROPERTY WITH THE LEGAL DESCRIPTION CONTAINED IN EXHIBIT "A" AND DEPICTED IN THE MAP ATTACHED AS EXHIBIT "B"; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE TOWN MAYOR, TOWN ADMINISTRATION AND TOWN ATTORNEY TO TAKE ANY AND ALL ACTION NECESSARY TO SUBMIT THE REQUEST FOR THE PROPOSED BOUNDARY CHANGES AND CONTINUED AND REVISED ANNEXATION APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 6.04 of the Miami-Dade County Home Rule Charter and Section 20-3 of the Code of Miami-Dade County, the Town of Medley, Florida (the "Town") previously submitted annexation applications to Miami-Dade County (the "County") seeking the annexation of various unincorporated areas of the County; and

WHEREAS, the previous annexation applications submitted to the County included certain areas legally described in Exhibit "A" attached hereto and all of Section 15, Township 53 South, Range 40 East, in Miami-Dade County ("Section 15"); and

WHEREAS, the City of Doral had also previously filed overlapping or conflicting applications for Section 15, and

WHEREAS, the Town and the City of Doral have agreed to cooperate and have since reached a mutual agreement as to the proposed annexation boundaries for Section 15, which are legally described in Exhibit "A", and depicted on the Map attached hereto as Exhibit "B"; and

Exhibit A to Ordinance

WHEREAS, the Town wishes to expeditiously move forward with the Continued and Revised Annexation Application with such boundaries and submit same to the County, as legally described in Exhibit “A” attached hereto and depicted on the Map attached as Exhibit “B”; and

WHEREAS, public notice was provided in accordance with applicable law, and on February 6, 2017, the Town Council conducted a duly noticed public hearing and considered the Continued and Revised Annexation Application; and

WHEREAS, the Town Council finds that the proposed annexation areas and boundaries legally described in Exhibit “A” and depicted on the Map attached hereto as Exhibit “B”, including the revised boundary for Section 15, and the submittal of the Continued and Revised Annexation Application to the County are in the best interest of the Town, its residents and existing and proposed property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The above Recitals are true and correct and incorporated herein.

Section 2. **Approval of Annexation Areas and Application.** The Town Council hereby approves the extension and enlargement of the Town’s boundaries to include the annexation areas legally described in Exhibit “A” and depicted in the Map attached as Exhibit “B”, and authorizes the initiation and/or continuation of municipal boundary change procedures, including the Continued and Revised Annexation Application, pursuant to Section 6.04 of the Miami-Dade County Home Rule Charter and Section 20-3 of the Code of Miami-Dade County.

Section 3. **Authorization.** The Mayor, Town Administration and Town Attorney are hereby authorized and directed to take any and all actions as may be deemed necessary or desirable to initiate and/or continue the boundary change procedure in accordance with Section 20-3 of the County Code, and submit and process the Continued and Revised Annexation

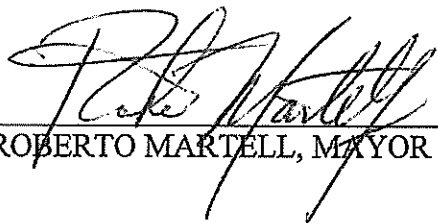
Exhibit A to Ordinance

Application to the Board of County Commissioners of Miami-Dade County for their consideration.

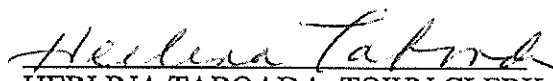
Section 4. Transmittal. The Clerk is hereby authorized and directed to transmit three (3) certified copies of this Resolution, together with proof of compliance with the notice procedures and all accompanying documentation as set forth in Section 20-3 of the County Code, to the Miami-Dade County Board of County Commissioners.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 6th day of February, 2017.


ROBERTO MARTELL, MAYOR

ATTEST:


HERLINA TABOADA, TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


TOWN ATTORNEY

SUMMARY OF THE VOTE

Mayor Roberto Martell	<u>yes</u>
Vice-Mayor Ivan Pacheco	<u>yes</u>
Councilperson Edgar Ayala	<u>yes</u>
Councilperson Griselia DiGiacomo	<u>Absent</u>
Councilperson Jack Morrow	<u>yes</u>

Exhibit A to Ordinance

EXHIBIT "A"

LEGAL DESCRIPTIONS OF PROPOSED ANNEXATION AREAS

All of Section 31, Township 52 South, Range 40 East, as situated within Miami-Dade County, comprising approximately 640.77 acres more or less.

TOGETHER WITH:

All of Section 9, Township 53 South, Range 40 East, LESS Tract 46, LESS Tract 47 and LESS Tract 57 all of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, (portions thereof currently within the municipal boundary of the Town of Medley, Miami-Dade County), comprising approximately 572 acres more or less.

TOGETHER WITH:

A portion of Section 14, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the intersection of State Road 826 (Palmetto Expressway) and N.W. 74th Street; THENCE East along the North Right-of-Way line of N.W. 74th Street to its intersection with the centerline of the Right-of-Way of N.W. 72nd Avenue; THENCE South to the North Right-of-Way line of S.R. 934 (the Hialeah Expressway [N.W. 74th Street Connector]); THENCE Westerly along such Right-of-Way line along its curve until it intersects with the North Right-of-Way line of N.W. 74th Street (POINT OF BEGINNING, comprising approximately 4.28 acres more or less.

TOGETHER WITH:

A parcel of land being a portion of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, said parcel being more particularly described as follows:

BEGIN at the intersection of the West right-of-way line of NW 87th Avenue and the centerline of NW 74th Street; THENCE Easterly along the centerline of NW 74th Street to the point of intersection with the centerline of NW 84th Avenue; THENCE Southerly along the said centerline of NW 84th Avenue to the point of intersection with the westerly extension of the centerline of NW 71st Street; THENCE Easterly along the said westerly extension of the centerline of NW 71st Street to the point of intersection with the centerline of NW 82nd Avenue; THENCE Northerly along the said centerline of NW 82nd Avenue and its northerly projection thereof to the point of intersection with the easterly

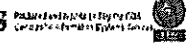
Exhibit A to Ordinance

extension of the centerline of NW 72nd Street; THENCE Easterly along the said easterly extension of the centerline of NW 72nd Street to the point of intersection with the Northerly extension of the centerline of NW 79th Avenue; THENCE Northerly along the said Northerly extension of the centerline of NW 79th Avenue to the point of intersection with the Westerly extension of the centerline NW 73rd Street; THENCE Easterly along the Westerly extension of the centerline of NW 73rd Street to the point of intersection with the West right-of-way line of State Road 826 (Palmetto Expressway); THENCE Southerly along the said West right-of-way line of State Road 826 (Palmetto Expressway) to the point of intersection with the centerline of NW 62nd Street; THENCE Westerly along the said centerline of NW 62nd Street to the point of intersection with the West line of the East 75 feet of Tract 60 of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1; THENCE Southerly along the said West line of the East 75 feet of Tract 60 to the point of intersection with the South line of said Tract 60; THENCE Westerly along the said South line of Tract 60 to the point of intersection with the centerline of NW 82nd Avenue; THENCE Northerly along the said centerline of NW 82nd Avenue to the point of intersection with the Easterly extension of Tract 36 of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1; THENCE Westerly along the said Easterly extension of Tract 36 and along the South line of Tract 36 and Tract 45 of Section 15, Township 53 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, to the point of intersection with the West right-of-way line of NW 87th Avenue; THENCE Northerly along the said West right-of-way line of NW 87th Avenue to the POINT OF BEGINNING, comprising approximately 415.32 acres more or less.

Said lands situated within Miami-Dade County, Florida and containing a total of

1,632.07 acres more or less.

MAP OF PROPOSED ANNEXATION AREAS



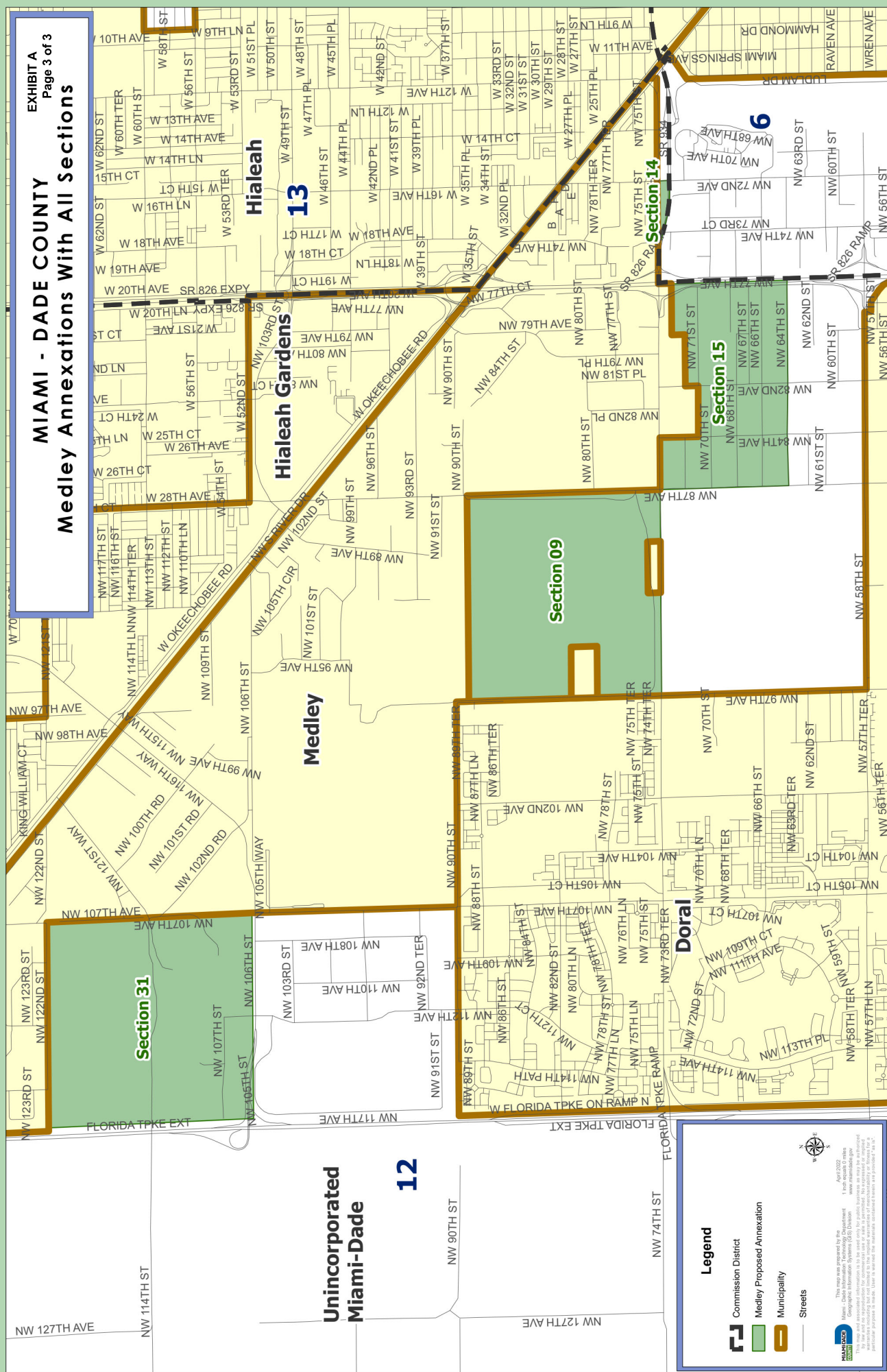


EXHIBIT B

